CHARITIES AND TRUSTS FOR CHARITABLE USES — WHAT CONSTITUTE CHARITIES — HOSPITAL FOR EMPLOYEES MAINTAINED BY RAILROAD. — A monthly fee was deducted by the defendant company from the wages of its employees for the purpose of maintaining a hospital and providing medical services for sick and injured employees. The company derived no profit from this. An injured employee was treated by the company's surgeon and died because of the surgeon's negligence. *Held*, that the company is not liable, provided it used reasonable care in the selection of surgeons. *Arkansas Midland R. Co.* v. *Pearson*, 135 S. W. 917 (Ark.).

A charitable hospital is not liable for the negligent acts of its physicians and surgeons unless it has been guilty of negligence in selecting them. *McDonald* v. *Massachusetts General Hospital*, 120 Mass. 432. *Contra*, *Glavin* v. *Rhode Island Hospital*, 12 R. I. 411. This principle has been extended to hospitals run by railroads for the treatment of their sick and injured employees. *Eighmy* v. *Union Pacific Ry. Co.*, 93 Ia. 538. It has been held further, in accord with the principal case, that such a hospital run from funds deducted from the wages of employees, but without direct profit to the company, is, from the standpoint of the employees, a charity. *Texas Central R. Co.* v. *Zumwalt*, 132 S. W. 113 (Tex.); *Wells* v. *Ferry-Baker Lumber Co.*, 57 Wash. 658. If profit is derived from such a hospital, it is no charity, and the company is liable for the negligence of its physicians and surgeons. *Texas & Pacific Coal Co.* v. *Connaughten*, 20 Tex. Civ. App. 642; *Sawdey* v. *Spokane Falls & Northern Ry. Co.*, 30 Wash. 349. But, it is submitted, the mere lack of intention to make direct profit should not be the sole determining feature of a charity. *Donnelly* v. *Boston Catholic Cemetery Association*, 146 Mass. 163; *Newcomb* v. *Boston Protective Department*, 151 Mass. 215. And as in the principal case there seem to be great indirect benefit to the company and a business contractual duty to provide medical attention for good consideration, the company shou'd be held liable. *Phillips* v. *St. Louis & San Francisco R. Co.*, 211 Mo. 419; *Texas & Pacific Coal Co.* v. *McWain*, 124 S. W. 202 (Tex.).

CHATTEL MORTGAGES — RECORDING AND REGISTRY — REMOVAL TO ANOTHER STATE. — A trust deed conveying two mules as security for a debt and providing that the mortgagor should retain possession until default, was executed and recorded in Mississippi, where the property then was, according to the laws of that state. After default in payment, the mortgagor, without the knowledge or consent of the mortgagee, removed the property to Tennessee and sold it to the defendants, *bonâ fide* purchasers without notice. *Held*, that the mortgagee has a superior title. *Newsum* v. *Hoffman*, 137 S. W. 490 (Tenn.).

The overwhelming weight of authority supports the rule that the interest of a mortgagee, once vested by the recording acts of one state, will be respected wherever the property goes. *Langworthy* v. *Little*, 12 Cush. (Mass.) 109; *Greenville Nat. Bank* v. *Evans-Snyder-Buel Co.*, 9 Okl. 353. As in other cases, where such recording fails as a real protection to purchasers, the rule is *caveat emptor*. *Handley* v. *Harris*, 48 Kan. 606. See 19 HARV. L. REV. 568. The question usually resolves into one of policy. Some courts have held that, as part of a general policy against transfers without change of possession, the rights of *bonâ fide* purchasers as against such foreign mortgages, being unprotected by their own recording system, cannot be affected by records existing in another state. This seems to be law in only three jurisdictions at most. *Corbett* v. *Littlefield*, 84 Mich. 30; *Miles* v. *Oden*, 8 Mart. N. S. (La.) 214; *Bank* v. *Carr*, 15 Pa. Super. Ct. 346. On the other hand, the general prevalence of recording acts justifies the policy, commonly styled comity, of recognizing and preferring the interest acquired under such a statute in another state. *Parr* v. *Brady*, 37 N. J. L. 201. Some authority supports the principal case in the